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Senate

(Legislative day of Monday, September 18, 1989)

OMNIBUS BUDGET RECONCILIATION ACT

(Continued)

Mr. SASSER. Mr. President, I thank the Chair.

I am prepared to yield now to the distinguished Senator from Colorado.

Mr. ARMSTRONG addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. ARMSTRONG] is recognized and he yields himself time on the bill.

Mr. ARMSTRONG. Mr. President, I have heard someplace that one grows wise by making mistakes and profiting from them. But I judge that the Senate has not profited much from past mistakes because we are about to make our tenth annual mistake on the reconciliation bill.

Each year this process has gone a little further over the rails. I think it was the English author, Samuel Johnson, who said something to the effect that people who have great expectations are often disappointed, and that in fact the result is either a moral sentence or peevish expectation.

I do not have any anticipation that the result of considering this bill is going to be any moral sentence, but we are already hearing plenty of peevish expectations, and we scarcely started, and justifiably so. This bill, this 1,300 page bill, this bill which weighs 12 pounds 15 ounces, this bill which is a perversion of the legislative process which is, as one newspaper described it, "garbage," this bill, which the chairman of the committee has correctly and apparently described as "larded with provisions" that are by any reasonable standard unrelated to the reconciliation process, this bill which trashes the legislative process, corrupts the budget process, comes before us at the very last minute.

Here we are confronted with a 1,300 page bill. As far as I know, the first copy seen by the eyes of man was at about 11 o'clock this morning—at least that is when I first saw a copy of it. It comes before us and Senators are supposed to pretend they can legislate responsibly on this kind of legislation. In my view, Mr. President, that is impossible. I remind my colleagues of section 89 of the catastrophic health care bill, and how in the middle of the night we doubled Social Security, and many other similar legislative faux pas.

We are about to do the same thing again. I know quite a bit about what is in this bill. I do not know everything. I do not think there is a single Senator who has more than a general idea of what is contained in this legislation.

That is one reason—not the only one—we ought to go cautiously, we ought to trim this bill back, not to 300 or 400 or 500 pages, but to actually what is needed to meet reconciliation—not the letter of reconciliation, Mr. President, but the spirit of reconciliation, a tightly drawn package of legislative proposals designed to curtail spending, or if it be the will of the body, to raise taxes.

That is not my preference, but that certainly would be within the spirit and letter of reconciliation, in order to bring the Senate, the Congress, within the guidelines of the Gramm-Rudman target. I am not one of those who has a great horror of the sequester. I am inclined to think that probably sequestering is better than where we are going, unless we can markedly improve this bill.

Mr. President, I want to, at the outset, express my profound dismay and concern at the way this bill has been handled and about what is in the bill, about the parliamentary situation we find ourselves in, and really, about what it portends, not only for the 1990 budget, but what it says about the Senate, about where we are and where we are going.

Mr. President, I have already made the point that I think it is impossible as a practical matter for any Senator, let alone anybody else, to really know what is in this legislation in any detail—certainly not in sufficient detail to legislate thoughtfully and wisely. More than that, we have a parliamentary situation which is, at best, somewhat murky. I am going to talk about that in detail a little later.

I want to put it in this context: When you have the bill the contents of which are difficult, almost impossible for Senators to fully comprehend, being debated under very short time limits, with limitations on amendments and with points of order which have yet to be heard, and about which the outcome is not readily predicted, you get a situation in which nobody actually knows what is going on, in which the general public cannot tell what is going on, in which, as a practical matter, nobody is responsible, because it is not clear what the effect of any particular provision will be.

We have been there before, and I mentioned earlier some of the unwise and ultimately unpopular legislation that resulted. I hope, even at this later hour, even after a week or more of frustration, that our leaders are going to be able to hammer out some kind of an agreement under which we may drastically reduce the size and breathtaking scope of this piece of legislation.

The bill we have before us, I guess, at least is not as bad as the House bill which contained almost 2,000 pages of text, but we do have a 13-pound bill, over a thousand pages; and I guess I said earlier it was the 10th time. I believe it is only the ninth time we have considered the reconciliation bill. The first was taken up in 1977, after Congress approved a major expansion in the Farm Crop Support Program. The Senate Budget Committee, under the leadership of Chairman Muskie, added to the second budget resolution a reconciliation bill to trim crop support

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

pendently, pouring in curriculum ideas that they think teachers should teach. "The problem is that the experts never get together and that they're always adding things. I've never seen any group of scholars recommend that anything be eliminated. . . . Teachers either become confused or cynical."

Dr. Gifford has a specific suggestion for the Bush summit: "I would ask the governors and the President to rate and rank every reform in terms of how it will actually impact on the quality of the relationship between pupil and teacher. . . . Many 'reforms' haven't had one iota of impact there. . . . We need to stop talking about reform from the top down and start talking about it from the bottom up."●

THE POPE'S TOUR THROUGH EAST TIMOR

● Mr. DURENBURGER. Mr. President, today Pope John Paul II made his first pastoral visit to East Timor, a former Portuguese colony that was invaded and forcible annexed by Indonesia in 1975. I focus upon this particular territory, of all the places the Pope is visiting, to restate my grave concern about the appalling abuse of human rights that continue to occur under the auspices of the Indonesian Government. The Pope's brief tour through East Timor presents an excellent opportunity for the rest of the world to shed light upon this unresolved situation. Although I am encouraged by the resumption of talks between officials of Indonesia and Portugal, who have met three times since last May under the guidance of the Secretary General Peres de Cuellar of the United Nations, the plight of the East Timorese people remains a travesty and no exceptional efforts have been made to effectively address the problems still plaguing this island.

The United Nations Security Council and the General Assembly have consistently refused to recognize Indonesian sovereignty over the past 15 years, and Portugal continues to remain the administrating power under international law. There has been a great deal of concern expressed about the Pope's visit to East Timor in fear that his trip would impart de facto recognition of Indonesian administration of the island. The Vatican has not recognized Indonesian sovereignty in the past, and has continued to keep the bishop of East Timor, who is not a member of the Indonesian Conference of Bishops, under its direct control. It has assured those concerned that this position has not changed.

In light of the Pope's visit, the world must be made aware of the grim and desperate human rights situation that has been observed and reported in East Timor. I have spoken out in the past against this situation by leading 47 of our Senate colleagues in sending a letter, coauthored by Senator LEVIN, to former Secretary of State Shultz, which outlined our concerns about human rights violations, the restrictions on international observation groups, and armed conflict in East Timor. More recently, 118 Members of the House of Representatives signed a letter to President Bush raising similar concerns on the occasion of Indonesian President Suharto's June 1989 visit to Washington. Since that time, few changes have been made and the situation persists.

Although the Indonesian Government largely opened East Timor to commerce and tourism in January of this year, this opening was incomplete as the Government has continued to place restrictions on access to and travel within the East Timor. International human rights organizations are still not allowed to enter this territory and the visits of foreign delegations are carefully controlled. The Government also maintains a firm hold on the press as well as on all lines of communication throughout the area.

Reports and statements from such organizations as Amnesty International, have made us more aware of the extent to which human rights are being violated in this territory. This organization has reported as commonplace such incidences as mass arrests for what appear to be political reasons, the torture and ill treatment of citizens in police and military custody, extrajudicial executions, and detainment of prisoners for their nonviolent or religious beliefs.

I would like to commend the head of East Timor's Roman Catholic Church, Bishop Carlos Ximenes Belo, for his courage in repeatedly condemning the human rights violations in East Timor. More recently, he described the atmosphere in East Timor in the period leading up to this papal visit as an "environment of terror." Under these circumstances, Pope John Paul's words on Monday, October 9, as summarized by Reuters News Agency, that "human rights and self-determination must be respected" are especially welcome.

At this time, I would like to call my colleagues' attention to this morning's latest AP newswire regarding East Timor and the papal visit. Regretfully, I must relay to you the grim news that fighting broke out this morning between the police and civilians before the altar where Pope John Paul II was finishing his benediction to about 600,000 people. The protesters, shouting "Viva Independence" and "Viva Papa," were met by baton-wielding police who hit the youths as they unfurled banners expressing their proindependence sentiments. At least four people were injured.

The Pope himself lent his support to the East Timorese by urging Indonesia in his homily to respect the human rights of the people of predominantly Catholic East Timor. He asked that Indonesia "act with wisdom and good will toward all" in search for a peaceful solution to East Timor's problems, and requested that they bring about "a speedy improvement of conditions of life" on this island.

As a Member of the United States Senate and an advocate of human rights throughout the world, I feel compelled once again to remind my colleagues about this situation in East Timor, and to personally urge the Indonesian Government to respect the rights and will of the people of East Timor. I fully support the people of East Timor in their request that a referendum be called on the status of the territory. I believe that every consideration be given to these people in their attempts to attain the right to self-determination and fundamental freedoms and that they be encouraged to continue efforts to preserve their own identity, their culture, language, and religion.

I would like to call to my colleague's attention an article that appeared in the Washington Post on October 10, regarding the Pope's visit to East Timor, as well as an article that appeared in the Economist on September 30, that also pertains to this issue.

Mr. President, I ask that the aforementioned articles from the Washington Post and the Economist be printed in the RECORD immediately following my remarks.

The material follows:

[From the Economist, Sept. 30, 1989]

THE POPE IN ASIA; NO TIME FOR TIMOROUSNESS

Pope John Paul is no stranger to explosive situations, but one that awaits him on his trip to Asia from October 6th to 16th will demand even more sensitive handling than most. The minefield is East Timor, a former Portuguese possession annexted by Indonesia in 1976 in the wake of Portugal's 1974 revolution.

Three-quarters of East Timorese 700,000 people are Roman Catholic. Most are opposed to Indonesian rule, some of them fighting a guerrilla war which obliges the Indonesian government to keep an army on the island. Bishop Carlos Ximenes Belo sent a letter to the United Nations secretary-general in May seeking support for a referendum that would allow the East Timorese to decide their own future. The Catholics at first feared that the Pope's visit would amount to tacit recognition of the Indonesians' right to be there. In fact, Vatican, like the UN, Portugal and some governments, does not recognize East Timor's annexation. Bishop Belo's diocese is administered direct from Rome.

Catholics make up only 3% of Indonesia's total population of some 178m, the vast majority of whom are Muslims. But the Catholic church is making gains; in 1941, when the Dutch still ruled the country, there were 540,000 Catholics, most of them Dutch. Now there are at least 4.4m. As in South Korea, the growth has been mainly amoung the middle class. One attraction is the excellence of Catholic schools, only 55% of whose pupils are, in fact, Catholic. The Catholic ritual also seems to attract many Indonesians, whose native religions are mystical in character.

Indonesian bishops had been hoping for a papal visit for a long time, not least because they reckoned that it would strengthen the church's position against attacks by strongly anti-Catholic (and anti-Christian) Muslin fundamentalists. The government also worries about the fundamentalists. To appease them the papal visit will be a state visit—the

Pope is head of the Vatican state—rather than a pastoral visit to his flock. But the call on East Timor will be a pastoral one. Another potentially contentious issue was the language the Pope should use to celebrate mass when in East Timor: the local Tetum or Bahasa-Indonesian. This has been resolved by a decision to say it in Latin.

The test of the soundness of this diplomatic footwork will be what happens on October 12th, when the Pope arrives. Jakarta Radio announced last week that security would be tightened during the visit to East Timor to "prevent undesirable elements form exploiting the event".

[From the Washington Post, Oct. 10, 1989]

CONSTROVERSY RISES OVER POPE'S EAST TIMOR TRIP—IN INDONESIA, PONTIFF TALKS OF HUMAN RIGHTS

(By Peter Wise)

LISBON, October 9.—The four hours Pope John Paul II spends in the disputed territory of East Timor on Thursday may prove to be the most politically controversial moments of the 10-day journey to Asia that he began last week in South Korea and continued in Indonesia today.

Portugal, the colonian ruler of East Timor until Indonesia invaded the island territory in 1975, is confident the Pope will use his visit to condemn alleged human rights violations by Indonesian security forces, including torture, summary executions and disappearances.

On arriving in Indonesia today, the pontiff told President Suharto and other Indonesian government officials in a speech that human rights and self-determination must be respected, Reuter reported, "At times nations are tempted to disregard fundamental human rights in a misguided search for political unity based on military or economic power alone. But such unity can easily be dissolved," the Pope said.

Lisbon government officials have also said they expect John Paul to appeal for a negotiated solution to the 14-year conflict in East Timor, which humanitarian organizations estimate has resulted in the deaths of at least 100,000 of the island's original population of 700,000 people.

But privately, the Portuguese government has expressed concern to the Vatican that Indonesia will seek to portray the visit as representing papal recognition of its sovereignty over Eat Timor, according to diplomatic sources in Lisbon.

For its part, the Pope has sought to relieve such concerns by saing his visit is purely pastoral and he has a duty to the largely Catholic population there. The Vatican does not recognize Indonesian sovereignty over East Timor and the Diocese that covers the island is administered directly from Rome.

Lisbon officials have voiced their fears to Rome, through diplomatic channels, that the Jakarta government will orchestrate the Pope's visit to show the world a false picture of peaceful stability and popular support for Indonesian rule in East Timore, the sources said.

Lisbon-based leaders of the Convergencia Nacionalista, a coalition of two resistance movements fighting a guerrilla campaign for East Timor's independence, said human rights groups and Catholic church sources in East Timor have reported a growing number of arrests and interrogations since April.

The resistance leaders said the alleged repression is aimed at preventing any sign of opposition to Indonesian rule emerging during the papal visit. They also said thousands of Indonesians were being sent to the territory to ensure that crowds greeting the pope were sympathetic to Jakarta.

Indonesian troops invaded East Timor in December 1975 after Portugal's colonial forces withdrew amid an outbreak of fighting between rival independence movements. The following year, Jakarta formally annexed the Hawaii-sized territory off northwestern Australia.

Jakarta claims that an East Timorese assembly chose integration with Indonesia in 1976, but the United Nations does not recognize Indonesian sovereignty. Portugal, still the administrating power under international law, is pressing for an act of self-determination that will allow the East Timorese to decide their own future.

Nationalist guerrillas have been fighting Indonesian rule from bases in the mountainous east of the island since 1975. Jose Guterres, a spokesman for the main resistance movement, Fretilin, said the guerrillas number 3,500 men armed with G-3 and Mauser automatic rifles.

Reports from East Timor have indicated that at least 20 Indonesian battalions—more than 15,000 men—are stationed in the territory following a military buildup that began before a visit by Suharto last November, according to Guterres. He said Indonesian troops were engaged in anti-guerrilla offensives involving artillery, air and naval bombardments.

Last year, almost half of the members of the U.S. Congress wrote a letter to then secretary of state George P. Shultz expressing concern about human rights violations in East Timor. In June, 118, members of the House of Representatives signed a similar letter to President Bush.

Indonesia strongly denies charges of human rights abuses. Speaking to the U.N. Special Committee on Decolonization in New York in August, Agus Tarmidzi, an Indonesian representative, described such allegations as "well-worn half-truths, distortions and outright falsehoods,"

In August, the U.N. Subcommittee for Human Rights in Geneva approved a motion acknowledging steps by Indonesia to allow more access to East Timor since January but lamenting that "more detentions, torture and summary executions have allegedly taken place since the end of 1988."

In a report on East Timor presented to both U.N. bodies, the London-based human rights group Amnesty International said it had "received reports of grave violations of human rights over the last year, including mass arrests for what appeared to be political reasons, unfair trials, torture of prisoners in police and military custody, extra-judicial executions, incommunicado detention and 'disappearances.'"

The Amnesty report said people had been arrested for involvement in the dissemination of documents calling for a referendum on the political status of the territory and detailing alleged human rights abuses. Some were documents signed by the head of the Roman Catholic Church in East Timor, Bishop Carlos Ximenses Belo, according to Amnesty.

In February, Belo wrote to U.N. Secretary General Javier Perez de Cuellar asking for the United Nations to help bring about a referendum on the future of East Timor. Last December, in a pastoral note quoted in the Amnesty report, Belo said detainees were commonly subject to "blows, kickings and beatings." Some reports from East Timor have suggested that Indonesian authorities may seek the replacement of Belo because of his outspokenness.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session and consider the following nomination: Calendar No. 382, David G. Ball, to be Assistant Secretary of Labor. I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF LABOR

David George Ball, of Connecticut, to be an Assistant Secretary of Labor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CORRECTION IN THE ENGROSSMENT OF S. 1711

Mr. MITCHELL. Mr. President, I ask unanimous consent that in the engrossment of S. 1711, as passed October 5, 1989, subsection (g) of amendment No. 973 be corrected to read as follows, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPRINTING OF SENATE DOCUMENT 101-3

Mr. MITCHELL. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Senate document 101-3 (101st Congress, 1st session), relating to the impeachment of Judge Alcee L. Hastings, be reprinted, with 350 copies printed for the Senate document room, 150 copies printed for the Secretary of the Senate, and 150 copies printed for the Impeachment Trial Committee.

Mr. President, our supply of this document, which is 69 pages in length, is now exhausted. The Senate will need copies of the document for its use during the closing arguments, deliberation, and voting on the impeachment articles against Judge Alcee L. Hastings, and the document room and the committee need copies for further distribution. I thus request authorization for the reprinting of this Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.